

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Benjamin Mario Soto,

Civil No. 20-1668 (DWF/ECW)

Plaintiff,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

Minnesota Supreme Court and
Minnesota Courts,

Defendants.

This matter is before the Court upon *pro se* Plaintiff Benjamin Mario Soto's ("Plaintiff") objections (Doc. No. 8)¹ to Magistrate Judge Elizabeth Cowan Wright's November 6, 2020 Report and Recommendation (Doc. No. 7) insofar as it recommends that: (1) Plaintiff's Complaint (Doc. No. 1) be dismissed without prejudice for lack of jurisdiction; and (2) Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2) and filing titled "Correction Motion to the Minnesota Supreme Court Regarding Errors in my Petition for Further Review of Decision of Court of Appeals" (Doc. No. 4) be denied as moot.

The Court has conducted a *de novo* review of the record, including a thorough review of Plaintiff's objections, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set

¹ Plaintiff also filed a Motion to Correct Objections to Magistrate's Report and Recommendation (Doc. No. 9), wherein Plaintiff seeks two corrections to his objections. The Court grants that motion and considers Plaintiff's objections so corrected.

forth in the R&R and is incorporated by reference for purposes of Plaintiff's objections. The Magistrate Judge explained that Plaintiff seeks an order requiring Minnesota courts to do certain things in a state court case filed by Plaintiff, but that the Minnesota courts have nothing more to do in Plaintiff's state court case. As such, the Magistrate Judge concluded that the present action is moot. The Magistrate Judge went on to note that even if this case were not moot, the Court would "almost certainly" lack jurisdiction under both the *Rooker-Feldman* doctrine and because of the Eleventh Amendment's grant of sovereign immunity. The Court agrees and finds Plaintiff's arguments to the contrary unpersuasive.

Based upon the *de novo* review of the record, a careful review of Plaintiff's objections, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff's objections (Doc. No. [8]) to Magistrate Judge Elizabeth Cowan Wright's November 6, 2020 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Elizabeth Cowan Wright's November 6, 2020 Report and Recommendation (Doc. No. [7]) is **ADOPTED**.
3. Plaintiff's Complaint (Doc. No. [1]) is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
4. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. [2]) and filing titled "Correction Motion to the Minnesota Supreme

Court Regarding Errors in my Petition for Further Review of Decision of Court of Appeals" (Doc. No. 4) are **DENIED AS MOOT**.

5. Plaintiff's Motion to Correct Objections to Report and Recommendation (Doc. No. [9]) is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 5, 2021

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge